

PERKINS COIE LLP
John P. Schnurer (SBN 185725)
JSchnurer@perkinscoie.com
Michael J. Engle (SBN 259476)
MEngle@perkinscoie.com
11988 El Camino Real, Suite 200
San Diego, CA 92130
Tel: 858-720-5700
Fax: 858-720-5799

James C. Pistorino (SBN 226496)
JPistorino@perkinscoie.com
3150 Porter Drive
Palo Alto, CA 94304-1212
Tel: 650.838.4300
Fax: 650.838.4350

(Additional counsel listed on signature page)
Attorneys for Plaintiffs ASUSTeK Computer, Inc.
and ASUS Computer International

(additional counsel listed on signature page)
Attorneys for Defendant Round Rock Research, LLC

(additional counsel listed on signature page)
Attorneys for Defendant Samsung Electronics Co., Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASUSTEK COMPUTER INC.,
ASUS COMPUTER INTERNATIONAL

Plaintiffs.

ROUND ROCK RESEARCH, LLC,
AMERICAN MEGATRENDS INC.,
SAMSUNG ELECTRONICS CO., LTD.

Defendants.

Case No. 4:11-cv-6636-CW

JOINT CASE MANAGEMENT STATEMENT

Date: September 20, 2012
Time: 2:00 PM
Federal Building, 1301 Clay Street,
Oakland, California
Judge: Hon. Claudia Wilken
Courtroom #2, 4th Floor

Pursuant to Civil L.R. 16-10(d), Plaintiffs ASUSTeK Computer, Inc. and ASUS Computer International (collectively, “ASUS”) and Defendants Round Rock Research (“Round Rock”) and Samsung Electronics Co., Ltd. (“Samsung”) respectfully submit this Joint Case Management Statement reporting progress or changes since the last statement on April 25, 2012. D.I. 42.

A. Status of the Delaware Litigation

On June 5, 2012, the Court granted Round Rock’s motion to stay this action pending the Delaware Court’s decision whether to hear the case *Round Rock Research, LLC v. ASUSTeK Computer Inc.*, No. 11-cv-978-RGA (D. Del.), but allowed discovery on personal jurisdiction in the Northern District of California. D.I. 54 at 9-10. In the Delaware case, jurisdictional discovery has been completed and the supplementary briefing regarding personal jurisdiction and/or transfer will be complete on September 14, 2012—the deadline for ASUS to file its supplemental reply brief.

B. Personal Jurisdiction over Round Rock

As noted above, on June 5, 2012, the Court authorized jurisdictional discovery to determine whether Round Rock was subject to personal jurisdiction in the Northern District of California. D.I. 54 at 9-10.

ASUS’ Statement:

ASUS served Round Rock with jurisdictional discovery on June 29, 2012, including fifteen requests for production, nine interrogatories, and seven deposition topics. On August 2, 2012, in direct violation to the Court’s order (D.I. 54 at 9-10), Round Rock refused to respond to any jurisdictional discovery other than with objections. While simultaneously refusing jurisdictional discovery, Round Rock has refused to submit to personal jurisdiction in this Court. A meet and confer was held on August 10, wherein Round Rock agreed to stipulate to personal jurisdiction for all purposes of this case in order to avoid motion practice by Plaintiffs. Though provided with such a stipulation, Round Rock has refused to sign the stipulation. Plaintiffs anticipate motion practice as a result of Round Rock’s refusal to provide the Court-ordered jurisdictional discovery.

Round Rock’s Statement:

The case is currently stayed pending resolution of ASUS’s motion to dismiss or transfer in the first-filed Delaware action. Round Rock will not contest this Court’s specific personal

1 jurisdiction over Round Rock, for the purposes of this action only, should the Delaware Court grant
 2 ASUS's motion to dismiss for lack of personal jurisdiction or otherwise transfer that action to this
 3 District. Round Rock disagrees with ASUS's characterization of the parties' August 10 meet-and-
 4 confer. During that conversation, Round Rock explained that it was not willing to unconditionally
 5 submit to jurisdiction in this District, but would not contest specific jurisdiction for the purposes of
 6 this action should the first-filed Delaware action be dismissed or transferred to this Court. Round
 7 Rock further explained that because it will not contest specific jurisdiction under those
 8 circumstances, there is no reason to take discovery: either the action will proceed in the Delaware
 9 Court or it will proceed in this Court. Accordingly, there is no live jurisdictional issue before the
 10 Court or between the parties.

11 ASUS subsequently provided a proposed stipulation regarding this issue to Round Rock, but
 12 the proposal did not match the parties' discussion during the meet-and-confer. Therefore, Round
 13 Rock declined to agree to ASUS's proposed stipulation.

14 **C. Samsung's Time To Answer**

15 On July 31, 2012, the parties stipulated to an extension of time for Samsung to answer or
 16 otherwise respond to the complaint until October 9, 2012. D.I. 57.

17 **D. Alternative Dispute Resolution**

18 On August 23, 2012, the Court set the deadline for mediation in this case at January 14,
 19 2013. D.I. 61. A mediator has already been appointed. D.I. 62. The parties jointly request that this
 20 deadline to conduct the mediation be moved to April 12, 2013, to reflect the fact that mediation will
 21 necessarily follow the resolution of jurisdictional disputes and the motion to stay, which remain
 22 pending as described above.

23 DATED: September 13, 2012 PERKINS COIE LLP

24
 25 By: */s/ Michael J. Engle* _____
 26 PERKINS COIE LLP
 27 John P. Schnurer (SBN 185752)
 jschnurer@perkinscoie.com
 Tawen Chang (SBN 215512)
 tchang@perkinscoie.com

1 Michael J. Engle (SBN 259476)
2 mengle@perkinscoie.com
3 11988 El Camino Real, Suite 200
4 San Diego, CA 92130
5 Tel: 858-720-5700
6 Fax: 858-720-5799

7
8 James C. Pistorino (SBN 226496)
9 JPistorino@perkinscoie.com
3150 Porter Drive
Palo Alto, CA 94304-1212
Tel: 650.838.4300
Fax: 650.838.4350

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
*Attorneys for Plaintiffs
ASUSTeK Computer, Inc. and ASUS
Computer International*

DATED: September 13, 2012

BLACK CHANG & HAMILL, LLP

By: /s/ Peter H. Chang
BLACK CHANG & HAMILL LLP
Peter H. Chang (SBN 241467)
pchang@bchllp.com
Bradford J. Black (SBN 252031)
bblack@bchllp.com
4 Embarcadero Center, Suite 1400
San Francisco, California 94111
Telephone: 415-813-6210
Facsimile: 415-813-6222

DESMARAIS LLP
Paul A. Bondor (pro hac vice)
pbondor@desmaraisllp.com
Jonas R. McDavit (pro hac vice)
jmcdavit@desmaraisllp.com
Lauren M. Nowierski (pro hac vice)
lnowierski@desmaraisllp.com
230 Park Avenue
New York, NY 10169
Telephone: 212-351-3400
Facsimile: 212-351-3401

Attorneys for Defendant Round Rock
Research, LLC

1 DATED: September 13, 2012

DLA PIPER LLP (US)

2 By: /s/ Nate McKitterick _____

3 DLA PIPER LLP (US)

4 Mark Fowler (SBN 124235)

5 Mark.fowler@dlapiper.com

6 Nate McKitterick (SBN 171889)

7 Nate.mckitterick@dlapiper.com

8 Eduardo J. Blanco (SBN 278817)

9 eduardo.blanco@dlapiper.com

10 2000 University Avenue

11 East Palo Alto, CA 94303-2214

12 Telephone: 650-833-2000

13 Facsimile: 650-833-2001

14
15 *Attorneys for Defendant Samsung Electronics*
16 *Co., Ltd.*

Attestation

I, Michael J. Engle, the filer, attest that concurrence from Round Rock Research, LLC's and Samsung Electronics Co., Ltd.'s outside counsel in the filing of the document has been obtained.

By: /s/ Michael J. Engle
Michael J. Engle